

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

REGINA Y. CYPHERS,

Plaintiff,

SA-22-CV-00357-JKP

VS.

CAMINO REAL COMMUNITY SERVICES, EMMA GARCIA, EXECUTIVE DIRECTOR, CAMINO REAL COMMUNITY SERVICES; AND VERONICA SANCHEZ, DEPUTY EXECUTIVE DIRECTOR, CAMINO REAL COMMUNITY SERVICES;

Defendants.

ORDER

The motion was automatically referred to the undersigned upon filing, and the undersigned has authority to enter this order pursuant to 28 U.S.C. § 636(b)(1)(A). By her motion, Plaintiff seeks leave to proceed in forma pauperis (“IFP”) based on her inability to afford court fees and costs. Having considered the motion and documentation provided by Plaintiff, the Court will grant the motion to proceed IFP and order service of Plaintiff’s Complaint.

All parties instituting any civil action, suit, or proceeding in a district court of the United States, except an application for a writ of habeas corpus, must pay a filing fee of \$350, as well as an administrative fee.¹ See 28 U.S.C. § 1914(a). Plaintiff's motion to proceed IFP includes her income and asset information, which indicates that Plaintiff is employed and receives \$4,600 per month in income from her employment. Plaintiff also receives \$651 monthly in disability

¹ The administrative fee, which is currently \$50, is waived for plaintiffs who are granted IFP status. See *District Court Miscellaneous Fee Schedule*, available at <http://www.uscourts.gov/services-forms/fees/district-court-miscellaneous-fee-schedule>.

payments. Plaintiff lists \$2,173 in monthly expenses but indicates she only has \$100 in her bank accounts and has large amounts of debt she is unable to pay. Plaintiff has one dependent, a disabled spouse or relative who is a stroke victim and has been diagnosed with schizophrenia. The Court has determined that Plaintiff lacks the financial resources to pay the filing fee associated with this case and will grant her motion to proceed IFP.

Pursuant to the Court's October 8, 2019 Standing Order, the undersigned reviewed Plaintiff's proposed Complaint for frivolousness. Plaintiff has sued her former employer, Camino Real Community Service, and two of its employees under Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act. Plaintiff filed charges against her employer with the Equal Employment Opportunity Commission ("EEOC") on March 17, 2021, and the EEOC issued a Right to Sue Letter on January 14, 2022. Plaintiff included a copy of her Charge of Discrimination and the Right to Sue letter with her proposed Complaint in which she complains of race and age discrimination and wrongful termination. Plaintiff filed this lawsuit on April 13, 2022.

Accordingly, Plaintiff's proposed Complaint demonstrates that she properly exhausted her administrative remedies and timely filed this federal action within 90 days of receiving her Right to Sue Letter. *See* 42 U.S.C. § 2000e-5(f)(1). The Court additionally finds that Plaintiff's proposed Complaint involves at least one non-frivolous claim. Therefore, Defendants should be served with this lawsuit.

IT IS THEREFORE ORDERED that Plaintiff's *pro se* Application to Proceed in District Court without Prepaying Fees or Costs [#1] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's Complaint [#1-1] shall be filed by the Clerk without prepayment of fees, costs or the giving of security therefore, and the Clerk shall, until further Order of this Court, waive the collection of any other fees or costs from Plaintiff.

IT IS FURTHER ORDERED that, if not already accomplished, within ten (10) days of the date of this Order, Plaintiff shall submit to the Clerk's Office a fully completed United States Marshal Service Form 285, including fully complete addresses, for each Defendant required to be served and the United States Marshal's Service shall serve each Defendant with a copy of the Complaint and a copy of this order by certified mail, return receipt requested.

SIGNED this 22nd day of April, 2022.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE